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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[15 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDONESIA: Minority religion and belief yet to be protected by government

1. The Asian Legal Resource Centre (ALRC) wishes to draw the attention of the UN Human Rights Council (UNHRC) to the repeated violations taking place against minority religions and beliefs in Indonesia. In the last two years, congregations of Ahmadiyya, Christian, Gafatar, and even Muslim communities, have all been targeted.

2. During Indonesia's Universal Periodic Review (UPR) in 2012, and its Human Rights Committee review in 2013, the persecution and lack of protection of minority religions was a key point for evaluation and recommendation. Nonetheless, up until now, the government has yet to show any progress in improving protection for minority groups. Furthermore, there are many controversial rules and regulations existing in the Indonesian legal system, such as the Blasphemy law, and various local regulations (*peraturan daerah*) prohibiting Ahmadiyya and other minority religions and belief. The government has not undertaken any legal review to ensure Indonesia's legal system is in line with human rights norms.

3. On 19 January 2016, an intolerant mob attacked members of the Fajar Nusantara Movement (Gafatar), a religious minority, burned down houses, and forcibly evicted members of Gafatar from the Motong Panjang Village, Menpawah District, West Kalimantan Province. Fajar Nusantara was founded in January 2012 and its members are in 14 Indonesian provinces. Prior to the attack, the Indonesian Ulama Council (MUI), a national association of Islamic clerics, stated that Gafatar is heretic and associated with al-Qiyadah, an organization founded in 2007. In 2008, al-Qiyadah's leader was prosecuted under Article 156(a) of the Indonesian Penal Code (KUHP) in relation to blasphemy, and he was sentenced to four years' imprisonment. Subsequently, in June 2015, six members of Gafatar in Aceh Province were also prosecuted under Article 156(a) of KUHP and sentenced to four years' imprisonment.

4. According to data provided by the Commission for Disappearances and Victims of Violence (KontraS), on 23 January 2016, around 300 IDPs of the Gafatar community from East Java province arrived in Transito Camp in Surabaya City, East Java Province. The next day, January 24, the National and Political Unity Office (KESBANGPOL) of the Ministry of Home Affairs, issued seven official letters concerning restrictions for Gafatar members. The essence of the letters was that the Gafatar cannot leave the refugee camp or communicate with people without the consent of the security forces.

5. Gafatar refugees staying in the Panti Sosial Bina Insan Budaya Cipayung Refugee Camp, East Jakarta, suffer from hunger and malnutrition. So far, the local authority has only provided instant noodles to the camp. In Central Java Province, hundreds of military personnel and police equipped with guns are ready to receive Gafatar refugees who will land in Central Java Province.

6. The Asian Human Rights Commission (AHRC), a sister organization of the ALRC, has documented the prohibition of the Ahmadiyya group from holding Friday prayers in Bukit Duri Tebet, Jakarta, Indonesia (AHRC-UAC-084-2015). Every Friday, the intolerant Islamic Defender Front, has blocked the Ahmadis from their Friday prayers at their own An-Nur Mosque. Moreover, on 5 January 2016, the local government in Bangka Island, Bangka Belitung Province issued a letter demanding that the Ahmadiyah either convert to Sunni Islam or face expulsion from Bangka. In this case, the Bangka government officials are conspiring with Muslim groups to unlawfully expel Ahmadiyah community members from their homes.

7. Threats against Ahmadiyya congregations in Bangka Island continue, after hundreds of local community members protested and threatened the secretariat of the local Ahmadiyya Community. The Ahmadi children are also threatened by other children and teachers in Srimenanti School, demanding the Ahmadi children leave the school and find another one.

8. Considering the lack of protection of minority religions and beliefs, and the repeated persecution against them in Indonesia, the ALRC respectfully requests the HRC to:

a. Urge the government to ensure protection for minority religions and belief, and ensure that all those who brutally attack or discriminate against minority groups are held accountable under the law;

b. Urge the government to review and audit its national laws, some of which are controversial and discriminatory in nature, such as the blasphemy law, and local regulations prohibiting Ahmadiyya and other minority religions;

c. Convince the government to officially invite the UN Special Rapporteur on freedom of religions or belief to visit Indonesia.